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Case: 5:23-cv-00215-C BMF Group, LLC d/b/a BMF Industries vs. Energy Vault, Inc. and Cross Trails Energy Storage Project, LLC, pending in the Federal District Court, Northern District of Texas, Lubbock Division, before the Honorable Sam R. Cummings, Senior United States District Court Judge.

Mediation via Zoom took place on Wednesday, September 25, 2024, attended by the necessary parties. The parties agreed to recess and reconvene at a later time.

The cost per side was \$1800.00.

Commentary expressed with permission of all sides: Mediation was productive and attended in good faith; the parties would benefit from reconvening and each side determined at mediation that it would be beneficial to mediate with additional persons present who are not decision makers, but have knowledge that can help the decision makers.

The mediator invites any party or both parties to include this very letter in the court's file.

Respectfully,

/s/ Andrew Tolchin

Andrew Tolchin
Mediator